



410 EAST JERICHO TURNPIKE
MINEOLA, NY 11501

telephone (516) 433-3000
facsimile (516) 433-3001
www.FinzFirm.com

44 WALL STREET
NEW YORK, NY 10005

telephone (212) 513-1000
facsimile (212) 513-7707
Reply to Mineola Office

May 22, 2017

By ECF

Magistrate Judge Anne Y. Shields
United States Federal Courthouse
100 Federal Plaza, Rm. 830
Central Islip, NY 11722

Re: Wisdom v. The County of Nassau, et al.,
Index No.: 16-CV-1728 (DRH)(AYS)
Our File No. 150718

Your Honor:

I am counsel for the plaintiff in this action, and I submit this letter to provide the Court with an update on the status of discovery pursuant to Your Honor's Order dated April 5, 2017.

Plaintiff received a production of documents on CD in court on April 5, 2017. As per Your Honor's directive, we have reviewed those documents and informed defense counsel of what additional documents we believe are missing. Plaintiff has provided all relevant authorizations to defense counsel, as well.

Notably, despite defendants' production of that CD, plaintiff has yet to receive defendants' Rule 26 disclosure. And, on March 2, 2017, plaintiff served on defendants his First Request for Production of Documents, pursuant to Rule 34, and his First Set of Interrogatories, pursuant to Rule 33. To date, we have received no response to either.

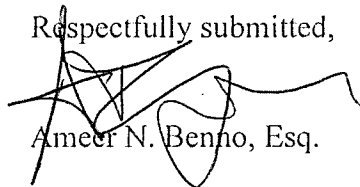
On March 2, 2017, plaintiff also served notices of deposition for all named defendants. The depositions were supposed to take place between May 3 and May 11, 2017, but given defendants' discovery arrears, as well as defense counsel's packed trial schedule, those depositions could not go forward on the dates on which they were noticed. New dates have not been scheduled.

Additionally, on April 26, 2017, plaintiff served a subpoena on the Nassau County District Attorney's Office for a complete copy of all transcripts in that office's possession pertaining to the criminal prosecution of plaintiff and his co-defendants David Hosannah, Rubens Petion, and Horatio Forrest. The affidavit of service of this subpoena was filed with this Court via ECF on May 8, 2017 (Docket Entry No. 39). The subpoena directed that the subject materials be produced at our office on May 12, 2017. In response to the subpoena, no objections were lodged and no motion to modify and/or quash was made. I have spoken with several individuals at the Nassau County D.A.'s Office regarding the status of the subpoenaed records, and I am hopeful that I will be able to obtain this necessary discovery without the need for court intervention. I will keep the Court apprised of my progress on this front.

As plaintiff is still awaiting a substantial amount of records, plaintiff will not be withdrawing any claims against any of the named defendants at this time. And, although it seems unlikely that plaintiff will be adding any new defendants to this action, he reserves his right to do so to the extent permitted by law should the forthcoming documents reveal information supporting such an amendment.

Given the foregoing, I respectfully request that Your Honor continue to hold in abeyance the deadline for plaintiff to join parties and/or amend the complaint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ameer N. Benno', is written over the typed name. The signature is stylized with a large, sweeping 'A' and a long horizontal stroke extending to the right.

Ameer N. Benno, Esq.

cc: All counsel (by ECF)
Khalid Wisdom (by mail)